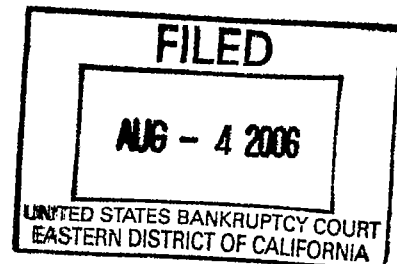


4



UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA

In re	)	Case No. 05-33669-C-7
	)	
DOUGLAS RON EATTOCK,	)	MC No. MOH-2
	)	
Debtor.	)	

---

**FINDINGS OF FACT AND CONCLUSIONS OF LAW  
ON MOTION TO AVOID LIEN**

These findings of fact and conclusions of law are rendered in this contested matter pursuant to Federal Rule of Civil Procedure 52 as incorporated by Federal Rules of Bankruptcy Procedure 7052 and 9014. Evidence was taken pursuant to Federal Rule of Civil Procedure 43(e), as incorporated by Federal Rule of Bankruptcy Procedure 9017 and as invoked by Local Bankruptcy Rule 9014(e).

Jurisdiction

Jurisdiction is founded upon 28 U.S.C. § 1334. This is a core proceeding. 28 U.S.C. § 157(b)(2)(K).

68

1  
2                                    Findings of Fact

3            On June 2, 2006, the debtor filed a motion requesting  
4 that this court avoid a judgment lien in favor of U.S. Bank  
5 ("creditor") because the lien impairs the debtor's homestead  
6 exemption. The lien attaches to the debtor's residence at  
7 10424 Cohasset Road, Chico, California ("the property"). The  
8 debtor properly served notice and creditor did not file an  
9 opposition. A hearing was scheduled July 18, 2006, to consider  
10 the motion. The motion was then continued and scheduled to be  
11 heard on August 29, 2006. Upon review of the record, the court  
12 determined that the written record was adequate and that no  
13 oral argument was necessary.

14            Debtor scheduled the property at a value of \$72,000.  
15 Other liens in the approximate amount of \$140,574.14 are the  
16 subject of other motions to avoid liens.

17            The debtor's motion claims that the lien in favor of  
18 U.S. Bank impairs debtor's homestead exemption. Debtor claimed  
19 the property as exempt for \$75,000.  
20

21                                    Conclusions of Law

22            A debtor may avoid the fixing of a lien on an interest  
23 of the debtor in property to the extent that the lien impairs  
24 an exemption that is properly claimed and to which there is no  
25 objection. 11 U.S.C. § 522(f)(1). The record reflects that  
26 the lien in favor of U.S. Bank impairs an exemption to which  
27 the debtor is entitled.  
28

1 The motion will therefore be granted. An appropriate  
2 order will issue.

3  
4 Dated: August 4, 2006

5  
6   
7 UNITED STATES BANKRUPTCY JUDGE  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

CERTIFICATE OF SERVICE

On the date indicated below, I served a true and correct copy(ies) of the attached document by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed and by depositing said envelope in the United States mail or by placing said copy(ies) into an interoffice delivery receptacle located in the Clerk's Office.

Douglas Eattock  
10424 Cohasset Road  
Chico, CA 95973

Michael O'Dowd Hays  
676 E. 1st Ave. #5  
Chico, CA 95926

John Reger  
P.O. Box 933  
Palo Cedro, CA 96073

Dennis Cowan  
P.O. Box 992090  
Redding, CA 96099-2090

U.S. Bank of California  
c/o U.S. Bancorp  
111 SW 5th Ave. T-2  
Portland, OR 97204

U.S. Bank  
Bankruptcy Department  
P.O. Box 5229  
Cincinnati, OH 45201

CT Corporation System  
818 W. Seventh Street  
Los Angeles, CA 90017

Office of the United States Trustee  
United States Courthouse  
501 "I" Street, Suite 7-500  
Sacramento, CA 95814

Dated:

  
Deputy Clerk